



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF: SMITH et al

FOR: ONE-WAY PNEUMATIC DELIVERY SYSTEM

SERIAL NO. 09/835,790

FILING DATE: 04/16/01

EXAMINER: Richard Ridley

ART UNIT: 3651

LAST OFFICE ACTION: April 20, 2005

ATTORNEY DOCKET NO. 1044-AW

**RESPONSE TO DECISION ON PETITIONS AND NOTICE OF DRAWING
INCONSISTENCY WITH SPECIFICATION**

MAIL STOP ISSUE FEE
Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 222313-1450

Dear Sir:

This correspondence is filed in response to the Decision on Petitions under 37 C.F.R. 1.181 and 1.137(a) dated April 20, 2005, and the Notice of Drawing Inconsistency with Specification mailed initially on July 17, 2003. Applicant notes from the PAIR system that the Petition decision was routed to the Technology Center Legal Instrument Examiners to act on the Decision, but there is no notation that any such action has yet been undertaken. Applicants are, however, responding hereby to the

Decision on Petitions and to the courtesy copy of the Notice that was provided therewith to Applicants.

The Applicants and the Assignee of this application, through their attorneys, recently became aware of the apparent appointment of the firm of Hunton & Williams immediately after the payment of the Issue Fee and prior to the mailing of the Notice of Drawing Inconsistency. Neither the Applicants, the Assignee, nor the undersigned had any knowledge of such a law firm and neither the Applicants nor the Assignee appointed this firm to prosecute the instant application on their behalf. Furthermore, neither the Applicants, the Assignee and the undersigned attorney have any knowledge as to how Hunton & Williams was appointed and, from discussions with lawyers at that firm, neither does any member of that firm have any knowledge as to how they were appointed to prosecute this matter. The undersigned was advised by the Hunton & Williams administrator that they have no knowledge of the Applicants, the Assignee or the application. It is apparent that the inadvertent appointment of Hunton & Williams ultimately caused the confusion and abandonment of this application in that the Notice of Drawing Inconsistency was mailed to someone who had no knowledge of the Applicants, the Assignee nor the application and consequently they took no action in this regard.

In the Decision on Petitions, Applicants were advised that the application has been revived and that the Notice mailed on July 17, 2003, would be re-mailed so that Applicants could file a response thereto. Applicants were, however, advised that the Notice would be sent to the attorneys of record as shown in the Patent Office files. In order to correct the Office records, we enclose hereby a newly executed Power of

Attorney reappointing the undersigned to prosecute all further matters on this application.

The re-mailed Notice of Drawing Inconsistency with Specification pointed out that the drawings filed on 4/16/01 were received, but that an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification. Specifically, the Brief Description of the Drawings refers to Figures 1-10, but only Figures 1-9 were received on 4/16/01.

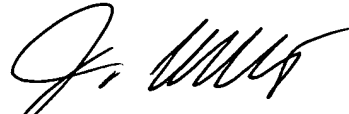
In response to the Notice, Applicant encloses Figure 10 herewith. Figure 10 shows a second embodiment of the invention and that this second embodiment is clearly and fully described in the specification from page 25, line 15, through to page 27, line 13. Applicant states that no new matter is being added to this application by the inclusion of Figure 10 and that the drawing is being added to merely bring the text and drawings into substantial correspondence and conformity with each other as is required under 37 C.F.R. §1.121(e). Applicants request that Figure 10 be entered into the application. Applicant respectfully submits that the entry of Figure 10 addresses the issue raised in the Notice brings consistency between the drawings and the Brief Description of the Drawings in the specification.

Inasmuch as the Issue Fee has been paid with respect to this application, Applicant earnestly solicits the early issuance of the official Letters Patent.

Should any matters remain unresolved in regard to the application, Applicants request that the Office contact the undersigned at (330) 244-1174.

Respectfully submitted at Canton, Ohio this 31st day of MAY, 2005.

SAND & SEBOLT



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Enclosure - Power of Attorney
Figure 10

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